

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

TASER INTERNATIONAL, INC., <i>et al.</i> ,))	
)	Case No.: 1:10-CV-03108-JOF
Plaintiffs,))	
)	
v.))	[On removal from the State
)	Court of Fulton County,
MORGAN STANLEY & CO., INC., <i>et al.</i> ,))	Georgia Case No.:
)	2008-EV-004739-B]
Defendants.))	
)	

**PLAINTIFFS' MOTION FOR LEAVE TO FILE OPPOSITION TO UBS
SECURITIES, LLC'S MOTION TO STRIKE**

Plaintiffs respectfully move this Court for leave to file an opposition to UBS Securities, LLC's Motion to Strike (the "Motion"), which was filed on July 27, 2010. At the time that UBS Securities, LLC ("UBS"), filed its Motion, the case was pending in the State Court of Fulton County, and under the State Court rules in effect, Plaintiffs were not required to file an opposition to UBS's Motion in order to oppose it. *See* Uniform State Court Rules, Rule 6.2. In an effort to avoid "papering" the Court and because UBS's motion plainly lacks merit, Plaintiffs did not file an opposition.

On September 28, 2010, another defendant removed this case to this Court.¹

If Plaintiffs did not file an opposition with this Court, this Court would deem the motion unopposed. *See Local Rule 7.1(B).* While more than fourteen days have passed since Plaintiffs were served with UBS's motion, Plaintiffs move this Court for leave to file an opposition to UBS's Motion. Plaintiffs note this motion is being filed within fourteen days of removal.

Plaintiffs respectfully request that this Court enter an order granting it leave to file a brief in opposition to UBS Securities, LLC's Motion to Strike. Plaintiffs have attached to this motion a brief in opposition to UBS Securities LLC's Motion to Strike and further request that the Court deem this response filed.

¹ On October 6, 2010, Plaintiffs filed a motion for remand because this Court lacks subject matter jurisdiction. The filing of this motion should in no way be considered a waiver or renunciation of the arguments raised by Plaintiffs in the brief in support of that motion.

Respectfully submitted this 12th day of October, 2010.

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CERTIFICATE OF COMPLIANCE

Pursuant to Local Rule 7.1D of the Local Rules for the District Court for the Northern District of Georgia, I hereby certify that the foregoing pleading has been prepared in Times New Roman, 14 point font, as permitted by Local Rule 5.1B.

Respectfully submitted this 12th day of October, 2010.

/s/ Elizabeth G. Eager
Elizabeth G. Eager
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CERTIFICATE OF SERVICE

I hereby certify that on this day, a true and correct copy of the foregoing
**PLAINTIFFS' MOTION FOR LEAVE TO FILE OPPOSITION TO UBS
SECURITIES, LLC'S MOTION TO STRIKE** was electronically filed with the
Clerk of Court using the Court's electronic filing system which will automatically
send an email notification of such filing to the following attorneys of record who
are registered participants in the Court's electronic notice and filing system:

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Further, I hereby certify that on this day, I caused a true and correct copy of
the foregoing to be served by Email and U.S. Mail on:

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This 12th day of October, 2010.

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